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Defendant

**Strategic Value Special Situations Master
Fund II LP**

represented by **Hunter O Ferguson**
(See above for address)

David B Levant
(See above for address)

Defendant

Bank of America National Association

represented by **Jeffrey M Odom**
Pepple Cantu Schmidt PLLC
1501 Western Ave, Ste 600
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Daniel P Pepple
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Defendant

US Bank National Association

represented by **Brian A. Jennings**
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Defendant

NB Distressed Debt Investment Fund

represented by **Hunter O Ferguson**
(See above for address)

David B Levant
(See above for address)

Defendant

N.B. Distressed Master Fund, L.P.

represented by **Hunter O Ferguson**

(See above for address)

Filing Date	#	Docket Text
05/23/2013	<u>1</u>	Adversary case 13-04225. Complaint by Meridian Sunrise Village, LLC (attorneys James L Day, Christine M Tobin-Presser) against NB Distressed Debt Investment Fund Limited, Strategic Value Special Situation Master Fund II, L.P., Bank of America National Association, U.S. Bank National Association. . Nature of Suit: (72 (Injunctive relief – other)), (91 (Declaratory judgment)) (Tobin-Presser, Christine) (Entered: 05/23/2013 at 14:29:16)
05/23/2013	<u>2</u>	Motion for Preliminary Injunction , or in the alternative Motion for Temporary Restraining Order with Notice of Hearing. Filed by Christine M Tobin-Presser on behalf of Meridian Sunrise Village, LLC The Hearing date is set for 5/29/2013 at 09:00 AM at Judge Lynch's Courtroom I, Union Station. Response due by 5/29/2013. (Attachments: # <u>1</u> Exhibit A – Proposed Order Granting Preliminary Injunction # <u>2</u> Exhibit B – Proposed Temporary Restraining Order) (Tobin-Presser, Christine) Modified on 5/24/2013 (Beushausen, Paul). <i>Special Set for 9:00 AM</i> (Entered: 05/23/2013 at 15:20:12)
05/23/2013	<u>3</u>	<i>Declaration of Michael Corliss in Support of Motion for Preliminary Injunction or Temporary Restraining Order</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by Christine M Tobin-Presser on behalf of Meridian Sunrise Village, LLC. (Tobin-Presser, Christine) (Entered: 05/23/2013 at 15:22:23)
05/23/2013	<u>4</u>	<i>Declaration of Martin Waiss in Support of Motion for Preliminary Injunction or Temporary Restraining Order</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by Christine M Tobin-Presser on behalf of Meridian Sunrise Village, LLC. (Attachments: # <u>1</u> Exhibit A – Loan Agreement # <u>2</u> Exhibit B – Assignment documents # <u>3</u> Exhibit C – October 12, 2012 email from Andrew Manley of Capstone # <u>4</u> Exhibit D – October 30, 2012 email from U.S. Banks counsel to the Debtors counsel and the attached Sixth Amendment # <u>5</u> Exhibit E – November 6 email from U.S. Banks counsel to the Debtors Counsel # <u>6</u> Exhibit F – January 9, 2013 letter from the Lender Group to the Debtor # <u>7</u> Exhibit G – March 25, 2013 email from the Administrative Agent # <u>8</u> Exhibit H – April 2, 2013 email from the Administrative Agent # <u>9</u> Exhibit I – email from the Debtors counsel to counsel for the Administrative Agent) (Tobin-Presser, Christine) (Entered: 05/23/2013 at 15:40:26)
05/23/2013	<u>5</u>	<i>Notice of Hearing on Debtor's Motion for Preliminary Injunction or Temporary Restraining Order</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction , Motion for Temporary Restraining Order). Filed by Christine M Tobin-Presser on behalf of Meridian Sunrise Village, LLC. (Tobin-Presser, Christine) (Entered: 05/23/2013 at 15:42:00)
05/24/2013		Notice to Court of Intent to Argue. Date of Hearing: 5/29/2013. Filed by Christine M Tobin-Presser on behalf of Meridian Sunrise Village, LLC. (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>5</u> Hearing Notice). (Tobin-Presser, Christine) (Entered: 05/24/2013 at 09:37:04)

05/24/2013		<u>6</u>	Summons issued to Plaintiff's Attorney Christine M. Tobin-Presser for Service on Defendants Bank of America National Association Answer Due 6/24/2013; NB Distressed Debt Investment Fund Limited Answer Due 6/24/2013; Strategic Value Special Situation Master Fund II, L.P. Answer Due 6/24/2013; U.S. Bank National Association Answer Due 6/24/2013 . (PSB) (Entered: 05/24/2013 at 09:56:29)
05/24/2013		<u>7</u>	Notice of Appearance <i>Brian Jennings and Alan D. Smith</i> . Filed by Brian A. Jennings on behalf of U.S. Bank National Association. (Jennings, Brian) (Entered: 05/24/2013 at 13:41:41)
05/24/2013		<u>8</u>	Acceptance of Service . Filed by Brian A. Jennings on behalf of U.S. Bank National Association. (Related document(s) <u>1</u> Complaint, <u>6</u> Summons Issued). (Jennings, Brian) (Entered: 05/24/2013 at 13:49:09)
05/24/2013			Receipt of Adversary Filing Fee – \$0.00 by MK. Receipt Number 445192. Costs Charged To The Estate (admin) (Entered: 05/25/2013 at 08:01:20)
05/28/2013		<u>9</u>	Proof of Service / <i>Declaration of Service of Summons in an Adversary Proceeding and Complaint Seeking Injunctive Declaratory Relief</i> . Filed by Christine M Tobin-Presser on behalf of Meridian Sunrise Village, LLC. (Related document(s) <u>1</u> Complaint, <u>6</u> Summons Issued). (Tobin-Presser, Christine) (Entered: 05/28/2013 at 11:30:34)
05/28/2013		<u>10</u>	Objection <i>U.S. Bank National Association's Objection to Motion for Preliminary Injunction or Temporary Restraining Order</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by Alan D Smith on behalf of U.S. Bank National Association. (Smith, Alan) (Entered: 05/28/2013 at 14:34:20)
05/28/2013		<u>11</u>	Notice of Appearance . Filed by Daniel P Pepple on behalf of Bank of America National Association. (Pepple, Daniel) (Entered: 05/28/2013 at 14:35:49)
05/28/2013		<u>12</u>	<i>Declaration of Brian A. Jennings in Support of U.S. Bank National Association's Objection to Motion for Preliminary Injunction or Temporary Restraining Order</i> (Related document(s) <u>10</u> Objection)... Filed by Alan D Smith on behalf of U.S. Bank National Association. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B) (Smith, Alan) (Entered: 05/28/2013 at 14:38:33)
05/28/2013		<u>13</u>	Notice of Appearance . Filed by Jeffrey M Odom on behalf of Bank of America National Association. (Odom, Jeffrey) (Entered: 05/28/2013 at 14:40:21)
05/28/2013			Notice to Court of Intent to Argue. Date of Hearing: 5/29/2013. Filed by Alan D Smith on behalf of U.S. Bank National Association. (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>5</u> Hearing Notice, <u>10</u> Objection). (Smith, Alan) (Entered: 05/28/2013 at 14:49:31)
05/28/2013			Notice to Court of Intent to Argue. Date of Hearing: 5/29/2013. Filed by Daniel P Pepple on behalf of Bank of America National

			Association. (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order). (Pepple, Daniel) (Entered: 05/28/2013 at 14:56:21)
05/28/2013		<u>14</u>	Proof of Service / <i>Declaration of Service of Motion for Preliminary Injunction or Temporary Restraining Order, Declarations of Martin Waiss and Michael Corliss in Support, and Notice of Hearing on Sam</i> . Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>3</u> Declaration, <u>4</u> Declaration, <u>5</u> Hearing Notice). (Tobin–Presser, Christine) (Entered: 05/28/2013 at 14:59:04)
05/28/2013		<u>15</u>	Proof of Service / <i>Declaration of Service</i> . Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Related document(s) <u>1</u> Complaint, <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>3</u> Declaration, <u>4</u> Declaration, <u>5</u> Hearing Notice, <u>6</u> Summons Issued). (Tobin–Presser, Christine) (Entered: 05/28/2013 at 15:01:33)
05/28/2013		<u>16</u>	Proof of Service / <i>Declaration of Service</i> . Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Related document(s) <u>1</u> Complaint, <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>3</u> Declaration, <u>4</u> Declaration, <u>5</u> Hearing Notice, <u>6</u> Summons Issued). (Tobin–Presser, Christine) (Entered: 05/28/2013 at 15:02:51)
05/28/2013		<u>17</u>	Proof of Service / <i>Affidavit of Service</i> . Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Related document(s) <u>1</u> Complaint, <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>3</u> Declaration, <u>4</u> Declaration, <u>5</u> Hearing Notice, <u>6</u> Summons Issued). (Tobin–Presser, Christine) (Entered: 05/28/2013 at 15:04:28)
05/28/2013		<u>18</u>	<i>Declaration of Christine M. Tobin–Presser</i> (Related document(s) <u>1</u> Complaint, <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>3</u> Declaration, <u>4</u> Declaration, <u>5</u> Hearing Notice, <u>6</u> Summons Issued)... Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Tobin–Presser, Christine) (Entered: 05/28/2013 at 15:11:13)
05/28/2013		<u>19</u>	<i>Objection of Funds to</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by David B Levant on behalf of Strategic Value Special Situations Master Fund II, L.P., NB Distressed Debt Investment Fund. (Levant, David) (Entered: 05/28/2013 at 16:19:15)
05/28/2013		<u>20</u>	<i>Debtor's Reply in Support of Motion for Preliminary Injunction or Temporary Restraining Order</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>10</u> Objection)... Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Tobin–Presser, Christine) (Entered: 05/28/2013 at 17:31:43)
05/28/2013		<u>21</u>	<i>Declaration of Martin Waiss in Support of Debtor's Reply Re: Motion for Preliminary Injunction or Temporary Restraining Order</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>10</u> Objection)... Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village,

			LLC. (Attachments: # <u>1</u> Exhibit A – April 26, 2013 email to Brendan McDermott) (Tobin–Presser, Christine) (Entered: 05/28/2013 at 17:34:34)
05/28/2013		<u>22</u>	<i>Declaration of Christopher Brain in Support of Debtor's Reply Re: Motion for Preliminary Injunction or Temporary Restraining Order</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>10</u> Objection)... Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Attachments: # <u>1</u> Exhibit 1 – Email exchange—April 2 and 3, 2013 # <u>2</u> Exhibit 2 – April 25, 2013 to James Gradel) (Tobin–Presser, Christine) (Entered: 05/28/2013 at 17:39:58)
05/29/2013			Minutes. Hearing Held. Appearances: James Day for Debtor; Alan Smith for US Bank National; David Levant for Strategic Value Special (related document(s): <u>2</u> Motion for Preliminary Injunction filed by Meridian Sunrise Village, LLC). Continued Hearing scheduled for 06/17/2013 at 09:30 AM at Judge Lynch's Courtroom I, Union Station. Further Briefing Due by June 10, 2013 and Replies Due by June 13, 2013. (RMS) Modified on 6/4/2013 (Shaw, Roxanne). (Entered: 05/30/2013 at 10:59:12)
05/30/2013			Notice to Court of Intent to Argue. Date of Hearing: 6/17/2013. Filed by James L Day on behalf of Meridian Sunrise Village, LLC. (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, Minutes Hearing Held). (Day, James) (Entered: 05/30/2013 at 11:58:46)
06/04/2013		23	Notification of Docket Correction of 5/29/13 Minute entry Re: Motion for Preliminary Injunction to reflect the following dates: Further Briefing Due by June 10, 2013 and Replies Due by June 13, 2013. (RMS) (Entered: 06/04/2013 at 14:51:22)
06/05/2013			Audio CD Request. Hearing Date and Time: 05/29/2013 at 9:00 a.m.. Other Info: motion for preliminary injunction/temporary restraining order. Contact: Paula Sutton 206–292–2110... . Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Tobin–Presser, Christine) (Entered: 06/05/2013 at 15:43:40)
06/05/2013			Receipt of filing fee for Audio CD Request(13–04225–BDL) [misc,1806] (30.00). Receipt number 17728573. Fee amount \$ 30.00. (U.S. Treasury) (Entered: 06/05/2013 at 15:45:29)
06/06/2013		<u>24</u>	<i>Affidavit of Service</i> (Related document(s) <u>1</u> Complaint, <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>3</u> Declaration, <u>4</u> Declaration, <u>5</u> Hearing Notice)... Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Tobin–Presser, Christine) (Entered: 06/06/2013 at 10:57:32)
06/07/2013		<u>25</u>	<i>Declaration of Michael Holmberg in Support of Funds' Supplemental Objection to Motion for Preliminary Injunction</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by David B Levant on behalf of NB Distressed Debt Investment Fund, NB Distressed Debt Investment Fund Limited. (Attachments: # <u>1</u> Exhibit Exhibit A) (Levant, David) (Entered: 06/07/2013 at 16:16:56)
06/07/2013		<u>26</u>	<i>Declaration of David B. Charnin in Support of Funds' Supplemental Objection to Motion for Preliminary Injunction</i> (Related

			document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by David B Levant on behalf of Strategic Value Special Situations Master Fund II, L.P.. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C) (Levant, David) (Entered: 06/07/2013 at 16:46:39)
06/07/2013		<u>27</u>	<i>Declaration of James D. Gradel in Support of U.S. Bank National Association's Objection to Motion for Preliminary Injunction or Temporary Restraining Order</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by Brian A. Jennings on behalf of U.S. Bank National Association. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B) (Jennings, Brian) (Entered: 06/07/2013 at 17:51:50)
06/10/2013			Notice to Court of Intent to Argue. Date of Hearing: 6/17/2013. Filed by Alan D Smith on behalf of U.S. Bank National Association. (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order). (Smith, Alan) (Entered: 06/10/2013 at 14:57:32)
06/10/2013		<u>28</u>	<i>Supplemental Memorandum /Debtor's Supplemental Memorandum in Support of Motion for Preliminary Injunction</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Tobin–Presser, Christine) (Entered: 06/10/2013 at 16:49:55)
06/10/2013		<u>29</u>	<i>Declaration of Christine M. Tobin–Presser in Support of Debtor's Supplemental Memorandum in Support of Motion for Preliminary Injunction</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Attachments: # <u>1</u> Exhibit A – proof of claim of Strategic Value Special Situations Master Fund II, L.P. # <u>2</u> Exhibit B – proof of claim of NB Distressed Debt Investment Fund Limited # <u>3</u> Exhibit C – proof of claim of NB Distressed Master Fund, L.P.) (Tobin–Presser, Christine) (Entered: 06/10/2013 at 16:55:15)
06/10/2013		<u>30</u>	<i>Amended Declaration of Christine M. Tobin–Presser in Support of Debtor's Supplemental Memorandum in Support of Motion for Preliminary Injunction</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village, LLC. (Attachments: # <u>1</u> Exhibit A – proof of claim of Strategic Value Special Situations Master Fund II # <u>2</u> Exhibit B – proof of claim of NB Distressed Debt Investment Fund Limited # <u>3</u> Exhibit C – proof of claim of NB Distressed Master Fund, L.P.) (Tobin–Presser, Christine) (Entered: 06/10/2013 at 17:09:59)
06/10/2013		<u>31</u>	<i>Supplemental Memorandum of U.S. Bank in Opposition to Motion for Preliminary Injunction</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by Brian A. Jennings on behalf of U.S. Bank National Association. (Jennings, Brian) (Entered: 06/10/2013 at 17:25:17)
06/10/2013		<u>32</u>	<i>Supplemental Objection to Motion for Preliminary Injunction</i> (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by David B Levant on behalf of NB Distressed Debt Investment Fund Limited, Strategic Value Special Situations Master Fund II, L.P.. (Attachments: # <u>1</u>

			Attachment #1) (Levant, David) (Entered: 06/10/2013 at 19:34:44)
06/13/2013		<u>33</u>	Objection of Bank of America to Motion for Preliminary Injunction (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order). Proof of Service. Filed by Daniel P Pepple on behalf of Bank of America National Association. (Pepple, Daniel) (Entered: 06/13/2013 at 11:57:05)
06/13/2013		<u>34</u>	Debtor's Reply to Supplemental Memoranda of U.S. Bank and the Ineligible Assignees (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>31</u> Memorandum, <u>32</u> Objection)... Filed by James L Day on behalf of Meridian Sunrise Village, LLC. (Day, James) (Entered: 06/13/2013 at 16:22:56)
06/13/2013		<u>35</u>	Declaration of Christine M. Tobin–Presser in Support of Debtor's Reply to Supplemental Memoranda of U.S. Bank and the Ineligible Assignees (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order, <u>31</u> Memorandum, <u>32</u> Objection, <u>34</u> Reply)... Filed by James L Day on behalf of Meridian Sunrise Village, LLC. (Attachments: # <u>1</u> Exhibit A–Structure of SVP and Ineligible Assignee Strategic Value # <u>2</u> Exhibit B–Structure of NB Distressed and NBLP) (Day, James) (Entered: 06/13/2013 at 16:28:01)
06/13/2013		<u>36</u>	Reply U.S. Bank National Association's Reply Memorandum in Opposition to Motion for Preliminary Injunction or Temporary Restraining Order (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by Brian A. Jennings on behalf of U.S. Bank National Association. (Jennings, Brian) (Entered: 06/13/2013 at 16:52:37)
06/13/2013		<u>37</u>	Reply to Debtor's Supplemental Memorandum in Support of Motion for Preliminary Injunction (Related document(s) <u>2</u> Motion for Preliminary Injunction, Motion for Temporary Restraining Order)... Filed by David B Levant on behalf of NB Distressed Debt Investment Fund, NB Distressed Debt Investment Fund Limited, Strategic Value Special Situations Master Fund II, L.P.. (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2) (Levant, David) (Entered: 06/13/2013 at 17:17:41)
06/14/2013		<u>38</u>	Proof of Service to Debtor's Reply to Supplemental Memoranda of U.S. Bank and the Ineligible Assignees. Filed by James L Day on behalf of Meridian Sunrise Village, LLC. (Related document(s) <u>34</u> Reply, <u>35</u> Declaration). (Day, James) (Entered: 06/14/2013 at 09:24:00)
06/17/2013			Minutes. Hearing Held. Appearances: James Day and Christine Tobin–Presser for Debtor; Alan Smith for US Bank; David Levant for NB Distressed Debt Investment Fund Limited; Jeffrey Odom for Bank of America National Association. (related document(s): <u>2</u> Motion for Preliminary Injunction filed by Christine Tobin–Presser for Meridian Sunrise Village, LLC). Motion Granted; Court to prepare Order.(RMS) (Entered: 06/17/2013 at 15:39:56)
06/18/2013		<u>39</u>	ORDER Granting Preliminary Injunction. (Related Doc # <u>2</u> Motion)(PSB) (Entered: 06/18/2013 at 07:12:43)
06/18/2013		<u>40</u>	

			Amend Complaint. Defendants N.B. Distressed Master Fund, L.P. added to the case. (Related document(s) <u>1</u> Complaint)... Filed by Christine M Tobin-Presser on behalf of Meridian Sunrise Village, LLC. (Tobin-Presser, Christine) (Entered: 06/18/2013 at 14:11:12)
06/19/2013		<u>41</u>	Summons issued to Plaintiff's Attorney Christine M Tobin-Presser for Service on Defendant N.B. Distressed Master Fund, L.P. Answer Due 7/19/2013. (PSB) (Entered: 06/19/2013 at 08:26:48)
06/19/2013			Audio CD Request. Hearing Date and Time: 6/17/13, Judge's Ruling. Other Info: Transcript ordered expedite. Please mail CD asap to Ahearn & Associates, Inc. (Maple Valley) Requested by: Brian Jennings, representing US Bank. (Transcriber - Wheeler, Shari) Modified text on 6/19/13 to correct hearing date (Dodd-Barton, Inmaculada) (Entered: 06/19/2013 at 14:18:12)
06/19/2013			Audio CD Request. Hearing Date and Time: 06/17/13. Other Info: Oral ruling only. Contact: Call Mary Lou Maag, 206-359-3334, when ready. Hold for messenger pickup.... . Filed by Brian A. Jennings on behalf of US Bank National Association. (Jennings, Brian) (Entered: 06/19/2013 at 15:05:02)
06/19/2013			Receipt of filing fee for Audio CD Request(13-04225-BDL) [misc,1806] (30.00). Receipt number 17804674. Fee amount \$ 30.00. (U.S. Treasury) (Entered: 06/19/2013 at 15:06:35)
06/19/2013			Audio CD Request. Hearing Date and Time: 06/17/13 at 9:30 am..... . Filed by Katriana L Samiljan on behalf of Meridian Sunrise Village LLC. (Samiljan, Katriana) (Entered: 06/19/2013 at 15:34:29)
06/19/2013			Receipt of filing fee for Audio CD Request(13-04225-BDL) [misc,1806] (30.00). Receipt number 17805115. Fee amount \$ 30.00. (U.S. Treasury) (Entered: 06/19/2013 at 15:41:31)
06/20/2013		<u>42</u>	Notice of Appearance Filed by Hunter O Ferguson on behalf of N.B. Distressed Master Fund, L.P., NB Distressed Debt Investment Fund, NB Distressed Debt Investment Fund Limited, Strategic Value Special Situations Master Fund II LP. (Ferguson, Hunter) (Entered: 06/20/2013 at 17:53:27)
06/20/2013		<u>43</u>	Ex Parte Motion <i>Ex Parte Motion to Shorten Time on Funds' Motion for Stay/Continuance</i> Filed by Hunter O Ferguson on behalf of N.B. Distressed Master Fund, L.P., NB Distressed Debt Investment Fund, NB Distressed Debt Investment Fund Limited, Strategic Value Special Situations Master Fund II LP (Attachments: # <u>1</u> Proposed Order) (Ferguson, Hunter) (Entered: 06/20/2013 at 17:59:26)
06/20/2013		<u>44</u>	Expedited Motion <i>Funds' Motion for Stay of Preliminary Injunction or for Continuance of Confirmation Hearing Pending Appeal</i> Filed by Hunter O Ferguson on behalf of N.B. Distressed Master Fund, L.P., NB Distressed Debt Investment Fund, NB Distressed Debt Investment Fund Limited, Strategic Value Special Situations Master Fund II LP (Ferguson, Hunter) (Entered: 06/20/2013 at 18:03:25)
06/20/2013		<u>45</u>	Debtor's Objection to <i>Ineligible Assignee's Ex Parte Motion to Shorten Time on Funds' Motion for Stay/Continuance</i> (Related document(s) <u>43</u> Motion)... Filed by Christine M Tobin-Presser on

			behalf of Meridian Sunrise Village LLC. (Tobin–Presser, Christine) (Entered: 06/20/2013 at 23:07:06)
06/20/2013		<u>46</u>	Declaration of Christine M. Tobin–Presser in Support of Debtor's Objection to Ineligible Assignee's Ex Parte Motion to Shorten Time on Funds' Motion for Stay/Continuance (Related document(s) <u>43</u> Motion, <u>45</u> Objection)... Filed by Christine M Tobin–Presser on behalf of Meridian Sunrise Village LLC. (Attachments: # <u>1</u> Exhibit A) (Tobin–Presser, Christine) (Entered: 06/20/2013 at 23:10:02)
06/21/2013		<u>47</u>	Transcript regarding Hearing Held 06/17/2013 RE: Court's Ruling. Remote electronic access to the transcript is restricted until 09/19/2013. The transcript may be viewed at the Bankruptcy Court Clerk's Office. Contact the Court Reporter/Transcriber Shari L. Wheeler at, Telephone number 425.433.8064; email AhearnAndAssoc@comcast.net.. Notice of Intent to Request Redaction Deadline Due By 6/28/2013. Redaction Request Due By 07/12/2013. Redacted Transcript Submission Due By 07/22/2013. Transcript access will be restricted through 09/19/2013. (Transcriber – Wheeler, Shari) Modified on 6/21/2013 (Taylor, Leslie). (Entered: 06/21/2013 at 09:39:26)
06/21/2013		<u>48</u>	Supplemental Filing of <i>Proposed Ex Parte Order Shortening Time</i> . Filed by Hunter O Ferguson on behalf of N.B. Distressed Master Fund, L.P., NB Distressed Debt Investment Fund, NB Distressed Debt Investment Fund Limited, Strategic Value Special Situations Master Fund II LP. (Related document(s) <u>43</u> Motion). (Ferguson, Hunter) (Entered: 06/21/2013 at 09:53:40)
06/21/2013		<u>49</u>	Answer to Amended Complaint <i>Seeking Injunctive and Declaratory Relief; Affirmative Defenses; and Counterclaims</i> (Related document(s) <u>40</u> Amend Complaint). Proof of Service. Filed by Hunter O Ferguson on behalf of N.B. Distressed Master Fund, L.P., NB Distressed Debt Investment Fund, NB Distressed Debt Investment Fund Limited, Strategic Value Special Situations Master Fund II LP. (Ferguson, Hunter) (Entered: 06/21/2013 at 11:20:52)
06/21/2013		<u>50</u>	Notice of Appeal to District Court. Fee Due \$ 298 District Court Appeal Number 13–CV–1075 JLR. Bankruptcy Control Number T–003. (Related document(s) <u>39</u> Order Re Motion for Preliminary Injunction, Order Re Motion for Temporary Restraining Order). Filed by Hunter O Ferguson on behalf of N.B. Distressed Master Fund, L.P., NB Distressed Debt Investment Fund, Strategic Value Special Situations Master Fund II LP. Record Transmission due by 07/12/2013, (Ferguson, Hunter) Modified on 6/24/2013 (Beushausen, Paul). (Entered: 06/21/2013 at 17:33:33)
06/21/2013			Receipt of filing fee for Notice of Appeal(13–04225–BDL) [appeal,97t2] (298.00). Receipt number 17821700. Fee amount \$ 298.00. (U.S. Treasury) (Entered: 06/21/2013 at 17:38:11)
06/21/2013		<u>51</u>	Election to Appeal to District Court . (Related document(s) <u>50</u> Notice of Appeal). Filed by Hunter O Ferguson on behalf of N.B. Distressed Master Fund, L.P., NB Distressed Debt Investment Fund Limited, Strategic Value Special Situations Master Fund II LP. (Ferguson, Hunter) (Entered: 06/21/2013 at 17:41:17)

Below is the Order of the Court.



Brian D. Lynch
U.S. Bankruptcy Judge
(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

MERIDIAN SUNRISE VILLAGE, LLC,

Debtor.

Case No. 13-40342-BDL

MERIDIAN SUNRISE VILLAGE, LLC

Plaintiff,

Adversary No. 13-4225-BDL

v.

NB DISTRESSED DEBT INVESTMENT
FUND, LTD, et. al,

Defendants.

PRELIMINARY INJUNCTION

The motion of plaintiff-debtor Meridian Sunrise Village, LLC for a preliminary injunction to enjoin defendants NB Distressed Debt Investment Fund Limited, Strategic Value Special Situations Master Fund II, L.P. and U.S. Bank came on for final hearing on June 17, 2013. All current defendants appeared through counsel.

The Court considered all pleadings filed on the motion and in response, including supporting declarations, and considered the arguments of counsel, the testimony of declarants, the documentary evidence, and the records and files of this case.

An oral ruling was read into the record on June 17, 2013, which is hereby incorporated by reference, containing Findings of Fact and Conclusions of Law for purposes of Fed. R.

PRELIMINARY INJUNCTION - 1

1 Bankr. P. 7052, and setting forth the reasons for the preliminary injunction for purposes of
2 Fed. R. Bankr. P. 7065 and Fed. R. Civ. P. 65(d). It is

3 HEREBY ORDERED that defendants NB Distressed Debt Investment Fund Limited
4 and Strategic Value Special Situations Master Fund II, L.P. are ENJOINED from exercising
5 their rights under Paragraph 12.9(b) or 11 U.S.C. §1126 in conjunction with the casting of
6 ballots or votes in regard to the confirmation of Debtor's Plan of Reorganization.

7 It is FURTHER ORDERED that US Bank is ENJOINED from recognizing or treating the
8 assignee Funds as Eligible Assignees for purposes of plan confirmation.

9 ///End of Order///

HONORABLE BRIAN D. LYNCH

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In re: MERIDIAN SUNRISE VILLAGE,
LLC

Debtor

Case No. 13-40342

Adversary No. 13-04225

MERIDIAN SUNRISE VILLAGE, LLC,

Plaintiff,

v.

NB DISTRESSED DEBT INVESTMENT
FUND LIMITED; N.B. DISTRESSED
MASTER FUND, L.P.; STRATEGIC
VALUE SPECIAL SITUATIONS MASTER
FUND II, L.P.; BANK OF AMERICA
NATIONAL ASSOCIATION; and U.S.
BANK NATIONAL ASSOCIATION,

Defendants.

NOTICE OF APPEAL

Defendants NB Distressed Debt Investment Fund Limited, NB Distressed Debt Master Fund LP, and Strategic Value Special Situations Master Fund II, L.P. appeal under 28 U.S.C. § 158(a) from entry of the order granting Plaintiff-Debtor Meridian Sunrise Village, LLC's motion for preliminary injunction entered in this proceeding (Dkt. 39) on June 18, 2013.

The names of all parties to the order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Meridian Sunrise Village, LLC

BUSH STROUT & KORNFELD LLP
Christine M. Tobin-Presser
James L. Day
601 Union Street #5000
Seattle, WA 98101
206-292-2110

NB Distressed Debt Investment Fund Limited

STOEL RIVES LLP
David B. Levant
Hunter Ferguson
600 University Street, Suite 3600
Seattle, WA 98101-3197
206-624-0900

Bank of America National Association

Pepple Cantu Schmidt PLLC
Jeffrey M. Odom
Daniel P. Pepple
1501 Western Avenue, Suite 600
Seattle, WA 98101-3099
206-625-1644

NB Distressed Debt Master Fund LP

STOEL RIVES LLP
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Seattle, WA 98101-3197
206-624-0900

U.S. Bank National Association

Perkins Coie LLP
Brian A. Jennings
Alan D. Smith
1201 Third Avenue, Suite 4000
Seattle, WA 98101
206-583-8888

Strategic Value Special Situations Master Fund II, L.P.

STOEL RIVES LLP
David B. Levant
Hunter Ferguson
600 University Street, Suite 3600
Seattle, WA 98101-3197
206-624-0900

Dated: June 21, 2013

Signed: /s/ David B. Levant

David B. Levant, WSBA # 20528
Hunter Ferguson, WSBA # 41485

Of Attorneys for Defendants NB Distressed Debt Investment Fund Limited, NB Distressed Debt Master Fund LP, and Strategic Value Special Situations Master Fund II, L.P.

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- James L Day jday@bskd.com, chartung@bskd.com;psutton@bskd.com;vbraxton@bskd.com;mbeck@bskd.com;bmorgan@bskd.com
- Brian A. Jennings bjennings@perkinscoie.com, mlmaag@perkinscoie.com;docketsea@perkinscoie.com;wzilka@perkinscoie.com;GEisenberg@perkinscoie.com
- Jeffrey M Odom jodom@pcslegal.com, danderson@pcslegal.com;jsteinert@pcslegal.com
- Daniel P Pepple dpepple@pcslegal.com, danderson@pcslegal.com;jsteinert@pcslegal.com
- Katriana L Samiljan ksamiljan@bskd.com, chartung@bskd.com;psutton@bskd.com;vbraxton@bskd.com;mbeck@bskd.com
- Alan D Smith adsmith@perkinscoie.com, mlmaag@perkinscoie.com;docketsea@perkinscoie.com
- Christine M Tobin-Presser ctobin@bskd.com, chartung@bskd.com;psutton@bskd.com;vbraxton@bskd.com;mbeck@bskd.com;bmorgan@bskd.com

There are no manual receipts.

DATED this 21st day of June, 2013.

STOEL RIVES LLP

By /s/ David B. Levant

David B. Levant, WSBA #20528

Hunter Ferguson, WSBA #41485

Of Attorneys for NB Distressed Debt Investment Fund Limited, NB Distressed Debt Master Fund LP, and Strategic Value Special Situations Master Fund II, L.P.

HONORABLE BRIAN D. LYNCH

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

In re:

MERIDIAN SUNRISE VILLAGE, LLC,
Debtor.

BANKRUPTCY NO. 13-40342
ADVERSARY NO. 13-04225

MERIDIAN SUNRISE VILLAGE, LLC,
Plaintiff,

STATEMENT OF ELECTION

v.

NB DISTRESSED DEBT INVESTMENT
FUND LIMITED; NB DISTRESSED DEBT
MASTER FUND LP; STRATEGIC VALUE
SPECIAL SITUATIONS MASTER
FUND II, L.P.; BANK OF AMERICA
NATIONAL ASSOCIATION; and
U.S. BANK NATIONAL ASSOCIATION,
Defendants.

Concurrent with this Statement of Election, Defendants NB Distressed Debt Investment Fund Limited, NB Distressed Debt Master Fund LP, and Strategic Value Special Situations Master Fund II, L.P. (collectively the “**Funds**”) have filed a Notice of Appeal from the Order of

STATEMENT OF ELECTION – 1

1 Preliminary Injunction entered herein on June 18, 2013 (Dkt. 39). Pursuant to 28 U.S.C.
2 § 158(c)(1), the Funds elect to have the appeal heard by the United States District Court.

3
4 DATED this 21st day of June, 2013.

5 STOEL RIVES LLP

6
7 By /s/ David B. Levant

8 David B. Levant, WSBA #20528

9 Hunter Ferguson, WSBA #41485

10 Of Attorneys for NB Distressed Debt
11 Investment Fund Limited, NB Distressed Debt
12 Master Fund LP, and Strategic Value Special
13 Situations Master Fund II, L.P.
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STATEMENT OF ELECTION – 2

CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- James L Day jday@bskd.com, chartung@bskd.com;psutton@bskd.com;vbraxton@bskd.com;mbeck@bskd.com;bmorgan@bskd.com
- Brian A. Jennings bjennings@perkinscoie.com, mlmaag@perkinscoie.com;docketsea@perkinscoie.com;wzilka@perkinscoie.com;GEisenberg@perkinscoie.com
- Jeffrey M Odom jodom@pcslegal.com, danderson@pcslegal.com;jsteinert@pcslegal.com
- Daniel P Pepple dpepple@pcslegal.com, danderson@pcslegal.com;jsteinert@pcslegal.com
- Katriana L Samiljan ksamiljan@bskd.com, chartung@bskd.com;psutton@bskd.com;vbraxton@bskd.com;mbeck@bskd.com
- Alan D Smith adsmith@perkinscoie.com, mlmaag@perkinscoie.com;docketsea@perkinscoie.com
- Christine M Tobin-Presser ctobin@bskd.com, chartung@bskd.com;psutton@bskd.com;vbraxton@bskd.com;mbeck@bskd.com;bmorgan@bskd.com

There are no manual receipts.

DATED this 21st day of June, 2013.

STOEL RIVES LLP

By /s/ David B. Levant

David B. Levant, WSBA #20528
Hunter Ferguson, WSBA #41485

Of Attorneys for NB Distressed Debt
Investment Fund Limited, NB Distressed Debt
Master Fund LP, and Strategic Value Special
Situations Master Fund II, L.P.

STATEMENT OF ELECTION – 3